

JS 440
REV. 12/2005**JUDGE PATTERSON**

CIVIL COVER SHEET

07 CV**3641**

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

PLAINTIFFS

DEFENDANTS

J. Pedro Reinhard The Dow Chemical Company and Andrew N. Liveris
ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER) ATTORNEYS (IF KNOWN)

Kramer Levin Naftalis & Frankel LLP, 1177 Ave. of Americas, NY, NY 10036

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)

Libel and Breach of Contract

Has this or a similar case been previously filed in SDNY at anytime? No ☒ Yes ☐ Judge Previously Assigned ☐

If yes, was this case Vol ☐ Invol ☐ Dismissed. No ☐ Yes ☐ If yes, give date _____

& Case No. _____

(PLACE AN [x] IN ONE BOX ONLY)

NATURE OF SUIT

ACTIONS UNDER STATUTES

TORTS		FORFEITURE/PENALTY		BANKRUPTCY	OTHER STATUTES
CONTRACT	PERSONAL INJURY	PERSONAL INJURY	[] 610 AGRICULTURE	[] 422 APPEAL	[] 400 STATE
	[] 310 AIRPLANE	[] 362 PERSONAL INJURY -	[] 620 FOOD & DRUG	28 USC 158	REAPPORTIONMENT
	[] 315 AIRPLANE PRODUCT	MED MALPRACTICE	[] 625 DRUG RELATED	[] 423 WITHDRAWAL	[] 410 ANTI-TRUST
	LIABILITY	[] 365 PERSONAL INJURY	SEIZURE OF	28 USC 157	[] 430 BANKS & BANKING
	[] 320 ASSAULT, LIBEL &	PRODUCT LIABILITY	PROPERTY		[] 450 COMMERCE/CC
	SLANDER	[] 368 ASBESTOS PERSONAL	21 USC 881	PROPERTY RIGHTS	RATES/ETC
	[] 330 FEDERAL	INJURY PRODUCT	[] 630 LIQUOR LAWS		[] 460 DEPORTATION
	EMPLOYERS'	LIABILITY	[] 640 RR & TRUCK	[] 820 COPYRIGHTS	[] 470 RACKETEER INFLU-
	LIABILITY		[] 650 AIRLINE REGS	[] 830 PATENT	ENCED & CORRUPT
	[] 340 MARINE	PERSONAL PROPERTY	[] 660 OCCUPATIONAL	[] 840 TRADEMARK	ORGANIZATION ACT
REAL PROPERTY	[] 345 MARINE PRODUCT		[] 690 OTHER		(RICO)
	LIABILITY	[] 370 OTHER FRAUD		SOCIAL SECURITY	[] 480 CONSUMER CREDIT
	[] 350 MOTOR VEHICLE	[] 371 TRUTH IN LENDING	LABOR	[] 861 MIA (1395FF)	[] 490 CABLE/SATELLITE TV
	[] 355 MOTOR VEHICLE	[] 380 OTHER PERSONAL	[] 710 FAIR LABOR	[] 862 BLACK LUNG (923)	[] 810 SELECTIVE SERVICE
	PRODUCT LIABILITY	PROPERTY DAMAGE	STANDARDS ACT	[] 863 DMWC (405(g))	[] 850 SECURITIES/
	[] 360 OTHER PERSONAL	PRODUCT LIABILITY	[] 720 LABOR/MGMT	[] 863 DMWW (405(g))	COMMODITIES/
	INJURY		RELATIONS	[] 864 SSID TITLE XVI	EXCHANGE
			[] 730 LABOR/MGMT	[] 865 RSI (405(g))	[] 875 CUSTOMER
			REPORTING &		CHALLENGE
			DISCLOSURE ACT	FEDERAL TAX SUITS	12 USC 3410
ACTIONS UNDER STATUTES			[] 740 RAILWAY LABOR ACT		[] 891 AGRICULTURE ACTS
	CIVIL RIGHTS	PRISONER PETITIONS	[] 790 OTHER LABOR	[] 870 TAXES	[] 892 ECONOMIC
	[] 441 VOTING	[] 510 MOTIONS TO	LITIGATION	[] 871 IRS-THIRD PARTY	STABILIZATION ACT
	[] 442 EMPLOYMENT	VACATE SENTENCE	[] 791 EMPL RET INC	20 USC 7609	[] 893 ENVIRONMENTAL
	[] 443 HOUSING	28 USC 2255	SECURITY ACT		MATTERS
	ACCOMMODATIONS	[] 530 HABEAS CORPUS			[] 894 ENERGY
	[] 444 WELFARE	[] 535 DEATH PENALTY			ALLOCATION ACT
	[] 445 AMERICANS WITH	[] 540 MANDAMUS & OTHER			[] 895 FREEDOM OF
	DISABILITIES -	[] 550 CIVIL RIGHTS			INFORMATION ACT
	EMPLOYMENT	[] 555 PRISON CONDITION			[] 900 APPEAL OF FEE
REAL PROPERTY	[] 446 AMERICANS WITH				DETERMINATION
	DISABILITIES - OTHER				UNDER EQUAL ACCESS
	[] 440 OTHER CIVIL RIGHTS				TO JUSTICE
					[] 950 CONSTITUTIONALITY
					OF STATE STATUTES
					[] 890 OTHER STATUTORY
					ACTIONS

Check if demanded in complaint:

CHECK IF THIS IS A CLASS ACTION
UNDER F.R.C.P. 23

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.?
IF SO, STATE:

DEMAND \$75 million OTHER _____

JUDGE _____

DOCKET NUMBER _____

Check YES only if demanded in complaint
JURY DEMAND: ☒ YES ☐ NO

NOTE: Please submit at the time of filing an explanation of why cases are deemed related.

(SEE REVERSE)

(PLACE AN *x* IN ONE BOX ONLY)

ORIGIN

☒ 1 Original Proceeding
 ☐ 2a. Removed from State Court
 ☐ 3 Remanded from Appellate Court
 ☐ 4 Reinstated or Reopened
 ☐ 5 Transferred from (Specify District)
 ☐ 6 Multidistrict Litigation
 ☐ 7 Appeal to District Judge from Magistrate Judge Judgment

AND at least one party is a pro se litigant

(PLACE AN *x* IN ONE BOX ONLY)

BASIS OF JURISDICTION

☐ 1 U.S. PLAINTIFF
 ☐ 2 U.S. DEFENDANT
 ☐ 3 FEDERAL QUESTION (U.S. NOT A PARTY)
 ☒ 4 DIVERSITY

IF DIVERSITY, INDICATE
 CITIZENSHIP BELOW.
 (28 USC 1332, 1441)

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

	PTF	DEF		PTF	DEF		PTF	DEF
CITIZEN OF THIS STATE	[]	[]	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	[]	[]	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	[]	[]
CITIZEN OF ANOTHER STATE	[X]	[X]	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[]	[]	FOREIGN NATION	[]	[]

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

J. Pedro Reinhard
 1111 Crandon Blvd.
 Key Biscayne, FL 33149

Miami-Dade County

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

The Dow Chemical Company
 2030 Dow Center
 Midland, Michigan 48674

Midland County

Andrew N. Liveris
 2911 Valley Drive
 Midland, Michigan 48640
 Midland County

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

Check one: THIS ACTION SHOULD BE ASSIGNED TO: ☐ WHITE PLAINS ☒ FOLEY SQUARE
 (DO NOT check either box if this is a PRISONER PETITION.)

DATE 5/8/07

SIGNATURE OF ATTORNEY OF RECORD

ADMITTED TO PRACTICE IN THIS DISTRICT

[] NO

[x] YES (DATE ADMITTED Mo Feb, Yr 1971)

Attorney Bar Code #

RECEIPT #

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge _____ is so Designated.

J Michael McMahon, Clerk of Court by _____ Deputy Clerk, DATED _____

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)